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Mediator

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	Chapter 11
In re:	:	No. 16-10992 (SMB)
	:	
SUNEDISON, INC. et al,	:	
	:	
Reorganized Debtors.	:	
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SUNEDISON LITIGATION TRUST,	:	
	:	
Plaintiff.	:	Adversary Proceeding.
	:	No. 18-01433 (SMB)
-against-	:	
	:	
GENERAL ELECTRIC COMPANY,	:	
	:	
Defendant.	:	
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REPORT OF MEDIATOR

1. I am a retired judge of this Court and was selected to mediate issues between Plaintiff SunEdison Litigation Trust (the “**Litigation Trust**”) and Defendant General Electric Company (“**GE**”) arising in this adversary proceeding. I submit this report pursuant to Rule 9019-1 of the Local Rules of this Court, and ¶ 3.4 of the Court’s Procedures Governing Mediation of Matters and the Use of Early Neutral Evaluation and Mediation/Voluntary Arbitration in Bankruptcy Cases and Adversary Proceedings.

2. I conducted a mediation session with the participation of both sides, by Zoom, on September 15, 2020. I additionally had telephonic conversations (individually

and by conference call) and exchanges of emails (in each case too numerous to describe with greater particularity) with counsel for the parties before the mediation session and thereafter. As the parties had authorized and requested me to do, I shared with them, over the course of the mediation, views I formed with respect to potential outcome and risk if they were to continue to litigate. Late in the day of the mediation session, by which time agreement had not yet been reached, I made a Mediator's Proposal, which was thereafter accepted by each side, and a settlement was reached between the Litigation Trust and GE.

3. All parties participated in the Zoom mediation session (with client representatives with satisfactory authority present), and in my opinion, all parties engaged in the mediation in good faith.

4. With the mediation having turned out successfully, I understand that the Litigation Trust and GE are now in the process of the documentation of the settlement.

Dated: New York, New York
September 17, 2020

s/ Robert E. Gerber